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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,037	05/10/2001	Benjamin D. Kimbell	10007412-1	8167

22879 7590 10/04/2005

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EXAMINER

MUHEBBULLAH, SAJEDA

ART UNIT PAPER NUMBER

2174

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,037

Applicant(s)

KIMBELL ET AL.

Examiner

Sajeda Muhebbullah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Amendment filed 08/10/2005.
2. Claims 21-40 are pending in this application. Claims 21, 30 and 39 are independent claims. Claims 21, 23-28, 30, 32-37, and 39 were amended. This action is made Final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 21-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Gargi (US 6,915,489).

As per claim 21, Gargi teaches an information handling system comprising:

a graphical user interface that receives control information from a user and, according to the control information, arranges and displays a plurality of pictorial images on a desktop in a picture stack (col.2, lines 46-49; col.3, lines 30-32) displayed as an undivided combined graphic symbol including a completely-shown top pictorial image and one or more underlying pictorial images underlying the top image that are at least partly obscured by overlying pictorial images (col.2, lines 50-56; col.4, lines 21-26; Fig.2), the graphical user interface being adapted to create and operate upon the picture stack as a conceptual structure whereby control information directed to the combined graphic symbol performs a function determined by location on the symbol at which the control information is directed (col.4, lines 34-53; col.5, lines 11-20).

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As per claim 22, Gargi teaches the information handling system further comprising:
the graphical user interface that receives control information including a mousedown event generated in a location within the picture stack, the mousedown event location determining ordering of images in the picture stack (col.6, lines 12-34).

As per claim 23, Gargi teaches the information handling system further comprising:
the graphical user interface that displays the combined graphic symbol including a border formed around image data of the top image of the picture stack, the border separating the top image from underlying images in the picture stack combined graphic symbol (Fig.2, *top image* 24).

As per claim 24, Gargi teaches the information handling system ~~according~~ further comprising: KL

the graphical user interface that displays the combined graphic symbol including a border formed around image data of the top image of the picture stack and formed along displayed edges of image data of partly obscured underlying images, the border mutually separating the top and underlying images in the picture stack combined graphic symbol (Fig.2, *stack* 22).

As per claim 25, Gargi teaches the information handling system further comprising:
the graphical user interface that selectively displays each image of the plurality of images in the picture stack combined graphic symbol in the same size (Fig. 2, *stack* 22).

As per claim 26, Gargi teaches the information handling system further comprising:
the graphical user interface that displays the plurality of images in the picture stack combined graphic symbol with selected different sizes (Fig.8, *image 138 larger than other images*).

As per claim 27, Gargi teaches the information handling system further comprising:
the graphical user interface that displays the plurality of images in the picture stack combined graphic symbol as conceptually stacked together with the individual images mutually offset to form an appearance of a stack of photographs whereby the entire picture stack or a selected one of the individual images is determined by location on the symbol at which the control information is directed (col.4, lines 34-53; Fig. 2).

As per claim 28, Gargi teaches the information handling system further comprising:
the graphical user interface that displays tike plurality of images in the picture stack combined graphic symbol as mutually offset from one another to produce an illusion of a three-dimensional stack of pictures (Fig. 2).

As per claim 29, Gargi teaches the information handling system further comprising:
the graphical user interface that performs audio data associated with an image of the plurality of images in the picture stack according to control information from the user (col.6, lines 35-42).

As per claim 30, Gargi teaches an information handling system comprising:
a graphical user interface that displays at least a portion of each image of a plurality of individual images on a desktop arranged in a picture stack (col.2, lines 46-49; col.3, lines 30-32) displaying an undivided combined graphic symbol including a completely-shown top image and one or more underlying images underlying the top image that are at least partly obscured by overlying images (col.2, lines 50-56; col.4, lines 21-26; Fig.2), the graphical user interface being adapted to respond to the user's arrangement of two or more overlapping images by creating the picture stack operative as an entity whereby user commands directed to the picture stack

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combined graphic symbol modify ordering and inclusion of individual images within the picture stack based on location on the combined graphic symbol at which the user command is directed (col.4, lines 34-53; col.5, lines 11-20; col.6, lines 12-34).

Claims 31-38 are similar in scope to claims 22-29 respectively, and are therefore rejected under similar rationale.

Claim 39 is similar in scope to claim 21, and is therefore rejected under similar rationale.

Claim 40 is similar in scope to claim 30, and is therefore rejected under similar rationale.

Response to Arguments

5. Applicant's arguments with respect to claims 21-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Communications

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is (571) 272-4065. The examiner can normally be reached on Tuesday/Thursday and alt. Mondays from 8:00 am to 4:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The central fax number for the organization where correspondence for this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sajeda Muhebbullah
Patent Examiner
Art Unit 2174

Kristine Kincaid
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